

# DILWORTH PAXSON LLP

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December 8, 2005

U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866

Attn: Ray Basso  
Strategic Integration Manager

SDMS Document



110961

RE: Diamond Alkali Superfund Site - Notice of Potential Liability for Response Actions in  
the Lower Passaic River Study Area, NJ

Dear Mr. Basso:

My client, Royce Associates, a New Jersey limited partnership, has forwarded to me your November 9<sup>th</sup> letter and the attachment of potential defendant companies in which Royce Associates, 336 N. Broadway, Suite 400 Jericho, New Jersey 11753 is included on the left-hand column and Royce Chemical Company, 17 Carlton Avenue, East Rutherford, New Jersey, in the right-hand column. Royce Chemical Company, a New Jersey corporation, was sold on October 1, 1981 to Virginia Chemicals, Inc., a Delaware corporation. Royce Chemical Company was, shortly thereafter, liquidated. Royce Associates, a New Jersey limited partnership, was a newly formed entity in 1982. Royce Associates, a limited partnership, is an entirely different and distinct entity from Royce Chemical Company. There is no surviving or continuing corporation related to Royce Chemical Company.

From my review of your November 9<sup>th</sup> letter, it appears that Royce Associates, which was formed in 1982, cannot be potentially liable for any environmental violations relating to the Lower Passaic River, considering Royce Associates' activities, its type of business and the date that it was formed. Therefore, it does not appear that Royce Associates is a proper party to join the "Group" for the purpose of a settlement with the EPA.

I would appreciate discussing this matter with you or with Mr. Hyatt, Esquire, or Ms. Reddy, Esquire, pertaining to the above. I am sending a copy of this letter to each of these parties. I would be pleased to provide you with any documentation to evidence the sale and termination of Royce Chemical Company and the formation of the limited partnership, Royce Associates.

I look forward to your response.

Very truly yours,

*Ronald Bluestein/es*

Ronald Bluestein

RB/es

cc: William H. Hyatt, Esquire  
Kedari Reddy, Esquire  
J. Bradford McIlvain, Esquire  
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